Notice under IDEA



Two distinct kinds of notice

□ 1. Notice of Meeting (NOM)

- □ 2. Prior Written Notice (PWN)
 - Also know as prior notice or written notice

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Notice of Meeting

□ PURPOSE

- Mark all, but only, what you are planning to discuss at the meeting
- Eligibility
- Develop, review, revise IEP
- Placement (always reviewed annually; including graduation as a change of placement)
- Transition
- Students invited if transition

Other purposes

- ☐ If discipline-related, you might be inviting relevant team members, always including parent, to
 - conduct manifestation determination or
 - determine IAES or
 - discuss the BIP and revise if necessary or
 - discuss the placement.

NOM Contents

- □ Why
- □ When & where
- Who will attend
- Parent may bring others with knowledge of student
- □ Alternate means of participation
- □ Who to contact for further information

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During meeting

□ Conduct all functions noted in NOM

or

provide parents with information and document why you didn't do something you planned to do.

Prior Written Notice

■ Notice to parent of action the LEA is going to take or refuses to take

Occurs after a meeting, usually

□ Triggers parents' right to due process

Required when...

LEA <u>proposes</u> or <u>refuses</u> to <u>initiate</u> or <u>change</u> the

- identification,
- evaluation,
- educational placement or
- the provision of a free appropriate public education (FAPE)

PWN

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Embedded PWN

Parent Prior Written Notice for Free Appropriate Public Education

"The IEP team proposes to implement this program, based on the student's needs, and representing the free, appropriate public education the student will be provided. You have received and have protection under the Procedural Safeguards, a copy of which was sent to you upon the student's referral for evaluation. You may request another copy of the Procedural Safeguards from the special education teacher at any time. If you have any questions regarding this notice or the Procedural Safeguards, contact the principal or the special education teacher at the student's school. Your signature below signifies receipt of your Procedural Safeguards and a copy of this IEP."

WPN must include...

- □ Why the action is proposed or refused
- What else was considered or tried before proposing or refusing action
- □ Evaluation procedures, tests, records, or reports used as a basis for the proposed or refused action
- Other factors relevant to the proposal or refusal

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Notice in Understandable Language

- Federal regulations require that parents and adult students be provided prior notice in their native language or other mode of communication.
- ☐ If the native language or other mode of communication of the parent/adult student is not a written language:
 - ☐ The notice was translated orally or by other means to the parent/adult student in his/her native language or other mode of communication.



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Summary

□ Notice of Meeting is an invitation to a meeting to discuss a child's IDEA eligibility or program.

□ Written Prior Notice is a notification to the parent that the LEA is proposing or refusing to take an action discussed (usually) at a meeting.